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## MONDAY, OCTOBER 10<sup>TH</sup>, 2005

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

### COUNTY OFFICES CLOSED-COLUMBUS DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 11<sup>th</sup>, 2005.

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## TUESDAY, OCTOBER 11<sup>TH</sup>, 2005

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction,**

[8:53:06 AM](#)

Wallace Best spoke with the commissioners in regards to transportation problems and opportunities in Lakeside. He stated that they recently had an unmarked police car patrolling the area which did help with the speeding problem, and that he believes another solution for the speeding problem would be to change the lights on Highway 93. He also stated that he knows now that he needs to contact the MDOT about getting a regular timed light in that area. He has recommended that the Lakeside Community Council work more with the commissioners. He has also been working with Jim Atkinson to get the bus to stop daily in Lakeside.

**no one else rising to speak, Chairman Hall closed the public comment period.**

### MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:02:37 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jay Scott

Discussion was held relative to the progress of the road construction, the legality of penalties on the construction of the new fairgrounds building, problems that are still ongoing with the new building, the building has still not been turned over to the county, the pay received by Fraser at TD&H, the commissioners asked Jay to speak with Peterson, the calendar of events for the fairgrounds, the status of having horse races at the Fairgrounds next year, and options other than horse races.

Commissioners Hall stated that he would like to see events that appeal to a more broad range of people.

Jay Scott stated that the Fair Board is at this point waiting for the commissioners to make a decision on the horse races.

The Commissioners requested that the Fair Board set up a meeting with the commissioners to discuss the status of the Horse races.

### CONSIDERATION OF PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH

[9:31:06 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to proclaim October as Domestic Violence Awareness Month and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### CONSIDERATION OF EDUCATIONAL ASSISTANCE: CAMPBELL & SKRAMOVSKY

[9:31:44 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the educational assistance for Raeann Campbell & Tammy Skramovsky. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #506033 & #06-07-4-11-015-0**

[9:32:46 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve DPHHS Contracts #506033 & #06-07-4-11-015-0. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BOARD APPOINTMENT: LAKESIDE COMMUNITY COUNCIL**

[9:35:22 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint Dave Anderson to the Lakeside Community Council. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER**

This meeting was not held.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: VAN DEREN TEXT AMENDMENT / FLATHEAD COUNTY ZONING REGULATIONS**

[10:03:41 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Erica Wirtala

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by Roy Van Deren and the Flathead County Planning and Zoning Office.

The proposed amendment would amend B-2, General Business, Section 3.17.020 by adding the following use to the list of permitted uses: *34. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes and furniture in an enclosed facility.*

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **26<sup>th</sup> day of October, 2005 at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

Publish on October 15 and October 22, 2005.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: DEGITZ & NELSON ZONE CHANGE / BIGFORK ZONING DISTRICT**

[10:04:52 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Ken Degitz and Linda Nelson to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business).

The boundaries of the area proposed to be amended from R-1 to B-3 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district designed to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, to a business district providing areas for the development of congregated community shopping areas, to serve a number of neighborhoods of a major segment of the Planning Area, as a business center and not a strip development.

The regulations defining the R-1 to B-3 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **31st day of October, 2005, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By /s/Gary D. Hall  
Gary D. Hall, Chairman

Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

Publish on October 15 and October 22, 2005.

**EXHIBIT A  
LEGAL DESCRIPTION  
DEGITZ & NELSON ZONE CHANGE**

**Location and Legal Description of Property:**

The property proposed for rezoning is located on the east side of Montana Highway 35, and the west side of Peaceful Drive. The property can be described as Tract 3AAAB, Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PETERSON & JOHNSON ZONE CHANGE / BIGFORK ZONING DISTRICT**

[10:05:08 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Thomas Peterson and Maxine Johnson to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) and RC-1 (Residential Cluster).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 and RC-1 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres and, for the portion to be changed to and RC-1, to a district intended to provide a residential theme in a rural environment primarily intended to encourage a master planned community with a central recreational focus with a full range of public services, such as public water supplies and sewage treatment.

The regulations defining the SAG-10, SAG-5 and RC-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **31st day of October, 2005, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By /s/Gary D. Hall  
Gary D. Hall, Chairman

Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

Publish on October 15 and October 22, 2005.

**EXHIBIT A  
LEGAL DESCRIPTION  
PETERSON / JOHNSON  
ZONE CHANGE FROM SAG-10 TO SAG-5 AND RC-1**

**Location and Legal Description of Property:**

The property is located in the Bigfork Zoning District, northwest of the town of Bigfork, and is situated on the northwest side of the intersection of Holt Drive and Hanging Rock Drive. The subject properties may be described as Tract 10S, and 10SA in Section 23, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: EAGLE ROCK PUD**

10:05:27 AM

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by House Investments, LLC and H&H Development, LLC, to approve a Planned Unit Development (PUD) in the Holt and Bigfork Zoning Districts on property zoned R-1 (Suburban Residential) and R-2 (One Family Limited Residential).

The area proposed to be overlayed with a PUD is described as Assessor's Tracts 8AA, 2E, 2, 2F and a portion of Tracts E and 1 of Eagle Bend Golf Course in Sections 23 and 26 of Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located on Holt Drive, Bigfork, Montana.

The proposal would overlay approximately 17.679 acres to be developed into 17 single-family residential lots. No deviations from the R-1 and R-2 requirements are being requested. The PUD use regulations allow density of 1 unit per one acre in R-1 districts.

The regulations defining the PUD and the Holt and Bigfork Zoning District classifications are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500. Documents detailing the proposed PUD are available for public inspection at the Office of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, and at the Flathead County Zoning and Planning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

The public hearing will be held on the **31<sup>st</sup> day of October, 2005, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Holt and Bigfork Zoning Districts.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By /s/Gary D. Hall  
Gary D. Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

Publish on October 15 and October 22, 2005.

### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: NORTH SHORE VISTA PUD**

[10:06:01 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by James E. Moore, to approve a Planned Unit Development (PUD) in the Bigfork Zoning District on property zoned R-1 (Residential).

The area proposed to be overlayed with a PUD is described as Assessor No. 0979167, Tract 3I in the NE of Section 26, and Tract 5 in the NW Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located east of Chapman Hill Road, across from Eagle Bend North Subdivision, Bigfork, Montana.

The proposal would overlay approximately 5.003 acres to be developed into 10 single- family residential lots. Deviations from the R-1 requirements being sought are from setback requirements, a 40-foot right-of-way instead of 60-foot right-of-way and a change in Subdivision Regulation 3.6.E, 30% cross slopes to 40% cross slopes on Lot 4B. The PUD use regulations allow density of 1 unit per one acre in R-1 districts.

The regulations defining the PUD and the Bigfork Zoning District classification are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500. Documents detailing the proposed PUD, are available for public inspection at the Office of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, and at the Flathead County Zoning and Planning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

The public hearing will be held on the **31<sup>st</sup> day of October, 2005, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Bigfork Zoning District.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

Publish on October 15 and October 22, 2005.

### **PUBLIC HEARING: RED FOX RUN ROAD NAMING**

[10:17:25 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Karen Yerian, Brent Mitchell, Myna J Fleming, David F Fleming Sr, Kay Mitchell, Ron Caldbeck

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition.

Brent Mitchell stated that Red Fox Run was only one of the names that were proposed on after asking all of the neighbors everyone basically went along with the Red Fox Run.

No one else rising to speak Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolution 1888. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **RESOLUTION NO. 1888**

WHEREAS, Flathead County has proposed to name a private road generally running southwesterly off Kienas Road and located in the South ½ of the Northwest ¼ of Section 18, Township 28 North, Range 22 West and in the South ½ of the Northeast ¼ of Section 13, Township 28 North Range 23 West, P.M.M., Flathead County, Montana.



WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 11, 2005 concerning the proposal, after publication and mailing of notice thereof on September 27, 2005 and October 4, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **RED FOX RUN**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southwesterly off Kienas Road and located in the South ½ of the Northwest ¼ of Section 18, Township 28 North, Range 22 West and in the South ½ of the Northeast ¼ of Section 13, Township 28 North Range 23 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **RED FOX RUN**.

BE IT FURTHER RESOLVED that the naming of **RED FOX RUN** shall be effective on October 11<sup>th</sup>, 2005.

Dated this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By /s/Gary D. Hall  
Gary D. Hall, Chairman

By \_\_\_\_\_  
Robert W. Watne, Member

By /s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk  
By /s/Kimberly Moser

Deputy

**PUBLIC HEARING: DOELY ZONE CHANGE / AIRPORT WEST ZONING DISTRICT**

[10:33:36 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Slade House, Wendy Doely, Jim Thompson

Holland reviewed Staff Report FZC-05-23. Discussion was held relative to the Airport Influence Area Zoning.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition.

No one rising to speak Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolution 770H. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 770 H

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 11<sup>th</sup> day of October, 2005, concerning a proposal by Roger Doely to change the designation of a portion of the Airport West Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 22 and September 29, 2005;

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Airport West Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Airport West Zoning District from AG-80 to AG-20, the boundaries of which are set forth on Exhibit "A".

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Airport West Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Airport West Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Airport West Zoning District for a period of thirty (30) days after first publication of notice of passage hereof, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders protest the proposed change in said district, then the change will not be adopted.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

By/s/Kimberly Moser

Deputy

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
AIRPORT WEST ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 770H) on October 11, 2005, to change the zoning designation in a portion of the Airport West Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural).

The boundaries of the area proposed to be changed from the AG-80 classification to the AG-20 classification are set forth on Exhibit "A".

The proposed change would not change the general character of the zoning regulations applicable to the property, which are designed to protect and preserve agricultural land for the performance of a wide range of agricultural functions and intended to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development. However, the minimum lot size would be reduced from 80 acres to 20 acres.

The regulations defining the AG-80 and AG-20 Zones are contained in the Flathead County Comprehensive Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 First Ave. West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Airport West Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By/s/Kimberly Moser

Deputy

Publish on October 15 and October 22, 2005.

**EXHIBIT A**  
**STAFF REPORT #FZC-05-23**  
**LEGAL DESCRIPTION**  
**DOELY ZONE CHANGE**  
**AUGUST 24, 2005**

**Location and Legal Description of Property:**

The site proposed for the map amendment is located on the west side of Trumble Creek Road north Birch Grove Road. The subject property is legally described as Tract 3B in Section 9, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-23 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: NORTH FLATHEAD YACHT CLUB**

10:48:08 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, George Smith, Jeff Harris, Kirsten Holland, Jim Thompson

Smith reviewed the Lakeshore Permit application submitted by North Flathead Yacht Club for Flathead Lake to reconstruct an existing wood dock serving the yacht club.

Discussion was held relative to adding a condition that the existing pilings are cut off instead of pulled out.

Jim Thompson stated that he is a member of the Yacht Club. He explained how the area of effect was considered. He stated that due to the age they need to replace the docks. He stated that the impact would be minimal.

Commissioner Brenneman questioned why one board member quit due to him thinking that this was not a good project.

Jim Thompson stated that this person did not a problem with the project, but had a conflict of interest.

Commissioner Brenneman made a **motion** to adopt Staff Report FLV-05-11 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum

Commissioner Brenneman made a **motion** to approve Lakeshore Permit FLV-05-11. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF RESOLUTION: CREATION OF HELENA FLATS LAND USE ADVISORY COMMITTEE**

[11:12:20 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris

Discussion was held relative to the language of the Resolution. Including the language that allows landowners and residents to be on the board, and the by laws.

Commissioner Brenneman made a **motion** to adopt Resolution 1889. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1889

WHEREAS, the Helena Flats Land Use Coalition requested a revision to the Flathead County Master Plan by the adoption of the Helena Flats Neighborhood Plan as an addendum thereto, the Flathead County Planning Board recommended that the Board of Commissioners adopt the Helena Flats Neighborhood Plan, and, by the passage of Resolution No. 789AA, the Board of Commissioners adopted the Helena Flats Neighborhood Plan as an addendum to the Flathead County Master Plan; and

WHEREAS, the Helena Flats Neighborhood Plan suggests the establishment of a 7 member advisory committee to be appointed by the Board of Commissioners to serve as a liaison between county offices addressing land use and development and the residents of the Helena Flats neighborhood, assisting those residents in assessing compliance of proposed subdivisions and developments with the Helena Flats Neighborhood Plan and advising on the implementation and updating of the Helena Flats Neighborhood Plan.

NOW, THEREFORE, IT IS HEREBY RESOLVED the Helena Flats Land Use Advisory Committee, to be composed of 7 member appointed by the Board of Commissioners, is hereby established.

BE IT FURTHER RESOLVED that the Helena Flats Land Use Advisory Committee shall advise the Flathead County Planning Board, Flathead County Board of Adjustment, and Board of County Commissioners, as appropriate, on all planning, zoning, subdivision and conditional use applications related to property within the area covered by the Helena Flats Neighborhood Plan.

BE IT FURTHER RESOLVED that the members of the Helena Flats Land Use Advisory Committee shall be landowners or residents within the area covered by the Helena Flats Neighborhood Plan.

BE IT FURTHER RESOLVED that the members of the Helena Flats Land Use Advisory Committee shall serve overlapping terms of four years and that at its first meeting, in order that the terms will be overlapping, the members shall draw lots to determine two members who will serve four-year terms, two members who will serve three-year terms, two members who will serve two-year terms and one member who will serve a one-year term.

BE IT FURTHER RESOLVED that the Helena Flats Land Use Advisory Committee shall propose by-laws for its administration, which shall be approved by the Board of Commissioners prior to taking effect.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By /s/Gary D. Hall  
Gary D. Hall, Chairman

By \_\_\_\_\_  
Robert W. Watne, Member

By /s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

**PUBLIC HEARING: COTTONWOOD ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT**

[11:27:46 AM](#)

Members present:

Chairman Gary D. Hall



Commissioner Robert W. Watne over the phone  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Jeff Harris, Darla Harmon, Ben Barkley, Don Decker, Bret Birk, Eric Mulcahy, Doug Siderius,  
Wally Wilkinson, Tom Sands

Jeff Harris reviewed Staff Report FZC-05-17.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition.

Eric Mulcahy with Sands Surveying presented the commissioners with an overview map of the cottonwood Estates plat plans. He stated that they previously came to the commissioners with an R-4 request and are now coming forth with a unanimous approval from the planning board for an R-3 zoning. He stated that there would be an increase in traffic but they believe the roads would be able to handle this. He stated that they are proposing a bike path along the subdivision to mitigate pedestrian traffic issues. He also stated that the sewer issues would be addressed during the subdivision stage.

Darla Harmon a part of the Evergreen Community Partners stated that she has spoke quite a bit with the developers. She stated that the area that the current bike path plan that is proposed is not an easy one, but that the developers plan putting a path in on the east side of the road is more appropriate. She also stated that this could be a substantial cost to the developer and would save the county and her group a lot of money, and that they fully stand by them on the bike path issue. In regards to the traffic issues she stated that whether the subdivision goes in or not Helena Flats will need to be addressed. The lot size is correct for affordable housing, and that it meets urban standards. She also stated that from the different meetings she has attended she believes that the Level II system is monitored by the DEQ and works very well, and will be a lot safer. She stated that she strongly supports the change.

Wally Wilkinson stated that he is one of the partners of Cottonwood Estates. He stated that density has always been an issue, and that during the public hearings a lot of the neighbors stated that they would be happier with R-3. He stated that they have been listening to the community, but that they would not be able to provide affordable housing if they lessened the density.

No one else rising to speak Chairman Hall closed the public hearing.

Commissioner Brenneman stated that the developers keep referring to the term affordable housing. He asked if they are suggesting that this will fit into what the commissioners consider affordable housing.

Wally Wilkinson stated that these would be cheaper than anything else available in the county, and that all they are selling are the lots not the actual housing.

Commissioner Brenneman stated that this would not be affordable housing.

Commissioner Watne made a **motion** to adopt Staff Report FZC-05-17 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt Resolution 797DR. Commissioner Hall **seconded** the motion. **Aye** - Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

#### RESOLUTION NO. 797 DR

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 11<sup>th</sup> day of October, 2005, to consider a request by Cottonwood Estates, LLC, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-3 (One Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 22 and September 29, 2005;

WHEREAS, the Board of Commissioners did receive public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-3 (One Family Residential), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Evergreen and Vicinity Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By/s/Robert W. Watne  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

By: \_\_\_\_\_  
Joseph D. Brenneman, Member

By/s/Kimberly Moser  
Deputy

COTTONWOOD ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM SAG-10 to R-3  
STAFF REPORT #FZC-05-17

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District on the east side of Helena Flats Road roughly 1/2 mile north of the intersection with Highway 35. The subject properties maybe described as Lots 3A and 3AB of Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana.

Commissioner Watne made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DR) on October 11, 2005 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-3 (One-Family Limited Residential).

The boundaries of the area proposed to be changed from SAG-10 to R-3 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, to those providing for urban residential development, with good thoroughfare access, in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc., and normally requiring all public utilities. Minimum lot size would decrease from 10 acres in the SAG-10 classification to 10,000 square feet in the R-3 classification.

The regulations defining the SAG-10 and R-3 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Evergreen and Vicinity Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 11<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By/s/Kimberly Moser  
Deputy

Publish on October 15 and October 22, 2005.

COTTONWOOD ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM SAG-10 to R-3  
STAFF REPORT #FZC-05-17

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District on the east side of Helena Flats Road roughly 1/2 mile north of the intersection with Highway 35. The subject properties maybe described as Lots 3A and 3AB of Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana.

**PRELIMINARY PLAT: COTTONWOOD ESTATES**

11:53:40 AM

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne over the phone  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jeff Harris, Darla Harmon, Ben Barkley, don Decker, Bret Birk, Eric Mulcahy, Doug Siderius, Wally Wilkinson

Harris reviewed the application submitted by Cottonwood Estates LLC for preliminary plat approval of Cottonwood Estates Subdivision, a major subdivision creating 91 residential lots. The property is located in the Helena Flats area, approximately ¼ mile north of the intersection of Helena Flats Road and Highway 35 east of Kalispell and contains approximately 37.63 acres. The property is currently going through a zone change request process to designate the property as R-3. Staff recommends

approval contingent upon the subdivision being served by both public water and sewer services. There are 24 attached conditions.

Questions were addressed concerning the county road which is currently included in the proposed subdivision area.

Jeff Harris reviewed the planning staffs concern with the subdivision being hooked up to central sewer and the planning board decision to not go with the staff's recommendation.

Condition 14 requiring street lighting was discussed.

Discussion was held relative to adding a condition that the developer would make a reasonable effort to obtain the right of way across the Lybeck property. It was decided to add a condition that the northeast road shall have a 60 foot right of way access to the northern boundary.

Commissioner Hall stated that condition 6 should state that the subdivision must be hooked to either the Evergreen sewer or the City of Kalispell municipal systems and therefore condition 24 should be deleted.

Commissioner Brenneman stated that he would not support this subdivision. He feels that R-1 would be a better use of the land.

Discussion was held relative to the preliminary plat coming forward at the same time as the resolution of intent for the zone change, instead of the plat coming in after the final plat approval.

Discussion was held relative to the condition requiring the hookup to municipal services.

Commissioner Watne made a **motion** to adopt Staff Report FPP-05-42 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the preliminary plat of Cottonwood Estates subject to 25 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** – Brenneman. Motion carried by quorum.

#### **FINAL CONDITIONS FOR COTTONWOOD ESTATES FPP 05 - 42**

1. That the internal subdivision roads shall be constructed to an urban standard for local streets. The roads shall be paved and 28 feet in width, curb and gutter, a minimum 5 foot landscape boulevard and a five foot wide sidewalk on both sides of the street. [Section 3.9 Table 1, Footnote 2, and Section 3.11 FCSR]
2. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), FCSR]
3. A letter from an engineer, licensed in the state of Montana shall certify that all improvements have been installed to specifications. This certification shall include all roadways, drainage systems, landscaping, sidewalks and boulevards. [Section 3.9 B, I, J]
4. A property owners association shall be formed which will require each property owner to bear their pro-rata share for road maintenance of the private drives and parkland. [Section 3.9 J, FCSR]
5. Drainage, water and sewer facilities shall be approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality. Water services shall be provided by Evergreen Water & Sewer District. [Section 3.12, 3.14 and 3.15, FCSR]
6. Public sewer services shall be provided to the subdivision lots by either the Evergreen Sewer District or the City of Kalispell. This agreement must be in place prior to final plat approval.
7. The landscape boulevard shall be placed between the curb and the sidewalk and landscaped with seed or sod and deciduous trees appropriate for this climate that are a minimum of 1 ½ in caliper six inches above the ground at planting spaced at 40 foot intervals. [Sections 3.2 and 3.9 J, FCSR]
8. All utilities shall be placed underground and shall be extended to each lot. Utility easements shall be provided and indicated on the final plat. [Sections 3.17 and 3.18, FCSR]
9. A common off-street mail pick-up facility and vehicular pull-offs shall be provided by the applicant and approved by the local post office. [Section 3.22, FCSR]
10. The following statements shall be placed on the face of the final plat:
  - a. All house numbers will be visible from the road, either at the driveway entrance or on the house. [Section 3.20D, FCSR]
  - b. Lot owners are bound by the soil disturbance and weed management plan entered into by the developer with the Flathead County Weed/Parks/Recreation & Building Maintenance Department. [7-22-2116 M.C.A., Section 3.12(J), FCSR]
  - c. The Property Owners Association shall be responsible for maintenance of roads. Roads shall be maintained, including necessary repairs and snow removal, to insure safe all-weather travel for two-way traffic. [Section 3.9(J), FCSR]
  - d. 

Waiver of Protest

Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

11. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9 I, FCSR]

12. The developer shall contact the Evergreen School District and, if required, provide and improve a location for the safe loading and unloading of students.
13. The developer will dedicate a minimum of 2.53 acres to meet the parkland dedication for the subdivision. Additionally, a maintenance agreement for the park and common areas shall be included in the subdivision covenants. [Section 3.19, FCSR]
14. Street lighting shall be located within the subdivision and shall be shielded so that it does not intrude unnecessarily onto adjoining properties. [Section 3.9 J. 5., FCSR]
15. Any elevations at or below the 100-year floodplain shall be delineated on the face of the final plat. Development may not occur in these areas without first securing a Floodplain Development Permit.
16. During the construction of improvements in the subdivision the developer shall be responsible for installing temporary erosion control to mitigate surface runoff. [Section 3.13, FCSR]
17. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners.
18. That the developer obtain a permit from the Flathead County Road Department approving the proposed approaches onto Helena Flats Road from the new internal subdivision roads along with a letter from the Flathead County Road Department stating that a post construction inspection has been made. [Section 3.8 A, FCSR]
19. A screening landscape buffer shall be created on the eastern side of the subject property to reduce the visual impacts to adjacent residential property owners. The screening shall include coniferous trees that would attain a height of six feet within three years of planting. [Section 3.2, FCSR]
20. Within the 20 foot right of way reservation denoted on the preliminary plat along the east side of Helena Flats Road a vegetative buffer shall be established the property boundary and the right of way reservation that would include berming and landscaping consisting of coniferous trees that would attain a height of six feet within three years of planting.
21. Adjacent to the 20 foot right of way reservation, denoted along the preliminary plat, a bike and pedestrian path shall be developed. The path shall extend south along Helena Flats Road to East Evergreen Drive where a crosswalk shall be designated to allow for safe student/pedestrian travel to the Evergreen Schools. [Section 3.11, FCSR]
22. A letter shall be obtained from the Evergreen Volunteer department stating that the fire access and suppression system has been reviewed, approved and installed in accordance with their requirements including the number and location of hydrants. [Section 3.20, FCSR]
23. The preliminary plat approval is valid for three (3) years. [Section 2.5 D (6), FCSR]
24. The North-east internal road cul-de-sac will have a 60 foot road access connecting to the northern boundary of the property and applicant will obtain any easements necessary to realign the County road on the North-east corner of the property.

**1:00 p.m. Commissioner Brenneman to attend a meeting W/ State DES**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 12<sup>th</sup>, 2005.

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## **WEDNESDAY, OCTOBER 12<sup>TH</sup>, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction,**

[9:17:54 AM](#)

Pat Lavoie spoke with the commissioners in regards to Road Abandonment #437. She showed the commissioners a copy of the easement that has been completed but still needs to be signed. She stated that four attorneys have been involved in the drawing up of the easement, and that she is in complete support of the abandonment.

**No one else rising to speak, Chairman Hall closed the public comment period.**

### **CONTINUATION OF BOARD APPOINTMENTS: OPEN CUT MINING ADVISORY COUNCIL**

[9:22:00 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Brett Fisher

Discussion was held relative to the number of members to be appointed to the council.

Commissioner Brenneman made a **motion** to appoint Brett Fisher, Ron Buentemeier, Alrick Hale, Jerry Nix, Bruce Tutvedt, Wally Wilkinson, and Kirsten Holland as the staff member. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Discussion was held relative to the purpose of the council. Discussion was also held relative to the pending lawsuit against the county on a previously made decision by the commissioners.

### **CONSIDERATION OF PRINTING BIDS: AOA**

[9:40:19 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing in the amount of \$37.90 for two sets of business cards for AOA, the bid submitted by Northstar Printing in the amount of \$118.00 for 5,000 Registration Cards for AOA, and the bid submitted by American Printing in the amount of \$262.23 for 2,000 two-color bus schedules for AOA. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **FINAL PLAT: EASTLAND ESTATES**

[9:47:29 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kirsten Holland, Debbie Shoemaker

Holland reviewed the application submitted by Michael Gentry for final plat approval of Eastland Estates Subdivision, which will create two residential lots. The subdivision is located off of Eastland Crossroad, east of Columbia Falls Stage Road. Preliminary plat approval was granted on May 17, 2005 subject to 14 conditions.

Commissioner Brenneman made a **motion** to approve the final plat of Eastland Estates Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **FINAL PLAT: MISTY MEADOWS**

[9:52:57 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kirsten Holland, Debbie Shoemaker, Dawn Marquardt

Holland reviewed the application submitted by Douglas Gerold & Emma Gay Anderson for final plat approval of Anderson Subdivision, a one-lot residential subdivision on Demersville Road south of Kalispell. The subject property is 5.003 acres and zoned SAG-5. Preliminary plat was waived on May 3, 2004, subject to five conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Misty Meadows Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **FINAL PLAT: ANDERSON SUBDIVISION**

[10:01:09 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Holland reviewed the application submitted by Spoklie & Hoover II for final plat approval of Misty Meadows Subdivision, which will create two residential lots. The subdivision is located off of Kienas Road, west of Kalispell. Preliminary plat approval was granted on May 17, 2005, subject to 13 conditions.

Commissioner Brenneman made a **motion** to adopt Staff Report FWP-05-16 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the final plat of Anderson Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **COS REVIEW: MORGAN**

[10:17:26 AM](#)



Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser, Kirsten Holland, Rick Breckenridge

Holland reviewed the Morgan Family Transfer Request.

Commissioner Brenneman made a **motion** to approve the Morgan COS. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **COS REVIEW: HILL**

[10:20:40 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser, Kirsten Holland, Beau Hill

Holland reviewed the Hill Family Transfer Request.

Commissioner Brenneman made a **motion** to approve the Hill COS. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF SIA: MEADOW LAKE NORTH AT MEADOW LAKE RESORT**

[10:31:20 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Eric Kaplan

Commissioner Brenneman made a **motion** to approve the Subdivision Improvement Agreement for Meadow Lake North at Meadow Lake Resor and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONTINUATION OF ROAD ABANDONMENT #437 (BLOCK 1, SUNNY SLOPE SUB)**

[10:35:12 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Eric Kaplan, Pat Lavoie

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition.

No one else rising to speak Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment #437 subject to the conditions listed on the viewers report. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

August 22, 2005

TO: Flathead County Commissioners

800 South Main Street

Kalispell, Montana 59901

FROM: Board of Viewers

SUBJECT: Road Abandonment No. 437 Dear Commissioners:

Robert W. Watne, Flathead County Commissioner, James H. Burton, Examining Land Surveyor of Flathead County, the Board of Viewers, and we viewed the following described roadway requested for abandonment on August 22' 2005.

#### DESCRIPTION

We also grant onto said Flathead County a tract of land for street and highway purposes in Block One of said Sunny Slope, twenty feet in width between two parallel lines, the westerly line of which is described as follows, to-wit: Commencing at a point on the south side of Lot Eight of said Block One which is 260 feet east of the southwest corner of said Lot Eight; thence northerly parallel to the west line of said Block One to a point of intersection with the south side or line of Lot One of said Block One.

We found upon viewing said roadway:

1) that a road does exist but does not lie entirely within the right-of- way and public access from the highway to this road has been abandoned by the Commissioners (Lake Street abandoned Dec. 1940)

We recommend approval of the abandonment on the above-described roadway with the following changes to the description:

1) that any existing easement for utilities be retained in the abandoned portion as utilities do exist.

**11:00 a.m. County Attorney meeting at the County Attorney's Office**

**11:30 a.m. Long Range Planning Task Force Affordable Housing Committee at the Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 13, 2005.

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## **THURSDAY, OCTOBER 13, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

### **MEETING W/ FAIR BOARD RE: HORSE RACING**

[8:18:19 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jay Scott, Butch Woolard, Monty Long

Discussion was held relative to the future of horse racing at the fairgrounds. The commissioners questioned who would be responsible for making the decision, whether it would be the fair board or the commissioners. Discussion was also held relative to the future of horse racing as a whole. Alternatives to horse racing were discussed. A decision was made to contact the county attorney's office to prepare a resolution of intent to cancel horse racing in Flathead County and allow a thirty day comment period.

### **MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

[9:04:57 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Jeff Harris

Discussion was held relative to the recent planning board meeting, a presentation by Jeff Harris to the commissioners of a packet of information on the planning & zoning office, including information on the revenue coming into the planning department, application deadlines, growth policy progress and plans, and the Planning & Zoning Office strategic plan.

### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: OBERLITNER ZONE CHANGE / HIGHWAY 93 NORTH ZONING DISTRICT**

[9:38:26 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to adopt Resolution 837BJ. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **RESOLUTION NO. 837 BJ**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 15th day of August, 2005, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837 BI, dated August 15<sup>th</sup>, 2005) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 18 and August 25, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that property being described on Exhibit A.

DATED this 13th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Deputy

TOM AND BRENDA OBERLITNER  
ZONE CHANGE FROM SAG- 10 to SAG-S  
STAFF REPORT #FZC-05-12

Location and Legal Description of Property:

The site proposed for the map amendment is located between Whitefish Stage Road and U.S. Highway 93, south of Birch Grove Road. The area included in the proposal can be legally described as Tracts 4GA and 40 in Section 7, Township 29 North, Range 21 West, P.M.M, Flathead County, Montana. Location maps are included for reference.

**DOCUMENT FOR SIGNATURE: CONTRACT #MT-CDBG-05PG-07**

[9:41:24 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve Contract #MT-CDBG-05PG-07 and authorize Mike Pence to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-07-5-11-008-0**

[9:43:15 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve DPHHS Contract #04-04-2-11-008-0 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**TAX REFUND REQUEST: PRECISION WELDING**

[9:46:18 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the recommendation made by the Department of Revenue and approve the Tax Refund Request for Precision Welding. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**TAX REFUND REQUEST: STAMPEDE PACKING CO.**

[9:47:09 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the recommendation made by the Department of Revenue and approve the Tax Refund Request for Stampede Packing Co. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF RELEASE OF COLLATERAL: TIEBUCKER, PHASE TWO**

[9:47:39 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the release of collateral for Tiebucker, Phase Two. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **MEETING W/ JOHN GARDNER / OFFICE OF PUBLIC ASSISTANCE RE: OPA COMMUNITY OPERATING PLAN**

[10:03:58 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Mary Danford, John Gardner

Discussion was held relative to the history of the Community Operating plan, the program overview, and the reason for switching to a three year plan. Discussion was also held relative to the State Workforce Investment Board.

#### **DOCUMENT FOR SIGNATURE: OPA COMMUNITY OPERATING PLAN**

[10:25:25 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Mary Danford, John Gardner

Commissioner Brenneman made a **motion** to approve the three year OPA Community Operating Plan. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONTINUATION OF POLICY MANUAL CHANGES**

[10:30:46 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Raeann Campbell

Discussion was held relative to the recommended policy manual changes, including urine analysis language, the computer policy stating that some email could be subject to public record, the on-call pay clarification and the input received from the department heads on the on-call pay, the criminal backgrounds checks now being done on all positions, complying with the new smoking laws, holiday and overtime change clarification, clarifying the policy on using comp time or vacation time at the end of employment, the addition that the department head will be responsible for safety, the out of state travel per diem update, and defining immediate family.

Commissioner Hall made a **motion** to approve the Policy Manual Changes excluding the on call pay until the issues with it are resolved. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF HR TRANSMITTAL: PROFESSIONAL LIBRARIAN TECH.**

[10:53:58 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the Professional Librarian Tech. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF SICK LEAVE POOL**

[10:54:35 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Raeann Campbell

Discussion was held relative to the Human Resource Department recommendations to discontinue the sick leave pool after the time already in the pool has been depleted.

Commissioner Brenneman made a **motion** to approve the discountenance of the sick leave pool after the depletion of the current pool monies. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF HR TRANSMITTAL: MID-LEVEL PROVIDER AND PROGRAM ASSISTANT / HEALTH DEPT.**

[10:57:51 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the Mid-Level Provider for the Health Department. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the Program Assistant for the Health Department. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF JOB DESCRIPTION CLAUSE / SAFETY**

[10:58:55 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the Job Description Clause for Safety. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: EMPLOYMENT CONTRACT**

[10:59:56 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the employment Contract for the new Finance Director Position. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **BUDGET AMENDMENT**

[11:01:35 AM](#)



Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson

Commissioner Brenneman made a **motion** to adopt Resolution 1890 and 1891. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION**  
**RESOLUTION NO. 1890**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 13<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

By: /s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Kimberly Moser, Deputy

**COUNTY OF FLATHEAD**  
**GENERAL JOURNAL VOUCHER**  
**BUDGET AMENDMENT**  
**RESOLUTION # 1890**

DATE ISSUED:

**FY-2005**

DATE OF RECORD:

VOUCHER  
NO.: **0506-329**

MCA 7-6-4006	ACCOUNTING COPY	<b>"B" Entry</b>		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2991-242000	Expenditures	1	\$ 12.00	
2991-172000	Revenue	2		\$ 12.00
2991-0221-331118	PDM Grant Revenue	3	\$ 12.00	
2991-0221-420600-110	Salaries	4		\$ 12.00
	<b>To est. budget for Grant funds received</b>			
	<b>after grant was closed out.</b>			
	<b>Pmt revd. \$7511.10 A101- 05070000283</b>			
			VOUCHER NO.:	<b>0506-330</b>
2973-242000	Expenditures	5	\$ 6,220.00	
2973-172000	Revenue	6		\$ 6,220.00
2973-0190-331146	Miami Revenue	7	\$ 6,220.00	
2973-0170-440170-143	Health Insurance	8		\$ 1,267.00
2973-0190-440170-144	FICA	9		\$ 85.00
2973-0190-440170-	Medicare Tax	10		\$

147				10.00
2973-0190-440172-110	Salaries	11		\$ 3,754.00
2973-0190-440172-143	Health Insurance	12		\$ 542.00
2973-0190-440172-144	FICA	13		\$ 210.00
2973-0190-440172-145	PERS	14		\$ 256.00
2973-0190-440172-380	Training Services	15		\$ 96.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
2966-242000	Expenditures	16	\$ 811.00	
2966-172000	Revenue	17		\$ 811.00
2966-0190-331131	Radon Grant	18	\$ 200.00	
2966-0190-344085	Radon Test Kit Sales	19	\$ 611.00	
2966-0190-440110-143	Health Insurance	20		\$ 357.00
2966-0190-440110-228	Educational Supplies	21		\$ 454.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
2976-242000	Expenditures	22	\$ 255.00	
2976-172000	Revenue	23	\$ 9,886.00	
2976-0191-331140	Immunization Grant Revenue	24		\$ 9,886.00
2976-0191-440174-110	Salaries	25		\$ 255.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
2978-0190-331137	TB Grant Revenue	26	\$ 8,000.00	
2978-0190-331127	Bioterrorism Grant	27		\$ 8,000.00
	<b>To correct account coding error.</b>			
	<b>PAGE 1 OF 3</b>		\$ 32,227.00	\$ 32,227.00

Prepared by: Coleen Baars

Approved by: Commissioners by Resolution

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		CONTINUED
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2980-242000	Expenditures	28	\$ 8,333.00	
2980-172000	Revenue	29		\$ 8,333.00
2980-0190-440110-398	Contracted Services	30	\$ 8,333.00	
2980-0190-331129	Obesity Prgm Grant Revenue	31		\$ 8,333.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
2981-242000	Expenditures	28	\$ 17,113.00	
2981-172000	Revenue	29		\$ 17,113.00
2981-0191-331134	Drug Free Comm. Grant	30	\$ 16,057.00	
2981-0190-331134	Drug Free Comm. Grant	31	\$ 1,056.00	
2981-0190-440110-229	Educational Supplies	32		\$ 17,113.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
2970-242000	Expenditures	33	\$ 4,630.00	
2970-172000	Revenue	34		\$ 4,630.00
2970-0191-331132	Consortia Grant Revene	35	\$	

			4,630.00	
2970-0191-440176-351	Med/Dental/Pharmany/Vet	36		\$ 4,630.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
5410-242000	Expenditures	37	\$ 1,984,605.00	
5410-0220-521000-830	Transfer Out to 5420	38		\$ 600,000.00
5410-0220-521001-820	Transfer Out to 5430	39		\$ 1,384,605.00
	<b>To amend budget to cover transfers to funds 5420 &amp; 5430</b>			
2971-242000	Expenditures	40	\$ 8,400.00	
2971-0190-440171-110	Salaries	41		\$ 1,849.00
2971-0190-521000-820	Transfer Out	42		\$ 6,551.00
2971-0190-331141	WIC Grant Revenue	43	\$ 8,400.00	
2971-172000	Revenue	44		\$ 8,400.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			
2975-0191-331135	Aids Counseling and Testing	45	\$ 5,068.00	
2975-0191-331145	AIDS Program/Fed Grant	46	\$ 30,534.00	
2975-0191-365000	Donations	47	\$ 1,374.00	
2975-172000	Revenue	48		\$ 36,976.00
	<b>To amend budget to reflect grant revenue in Dept. 0191.</b>			
2953-242000	Expenditures	49	\$ 876.00	
2953-0221-420600-212	Small Item Equipment	50		\$ 876.00
	<b>To amend budget to actual - grant/matching higher than orig. anticipated</b>			
	<b>PAGE 2 OF 3</b>		\$ 2,099,409.00	\$ 2,099,409.00
MCA 7-6-4006	ACCOUNTING COPY	<b>"B" Entry</b>		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2374-0224-344121	Medicare-Home Health	51	\$ 125,384.00	
2374-172000	Revenue Control	52		\$ 125,384.00
2374-0224-440180-378	Travel	53		\$ 4,881.00
2374-0224-440180-398	Contract Svrs-N.Valley H.	54		\$ 56,712.00
2374-242000	Expense Control	55	\$ 61,593.00	
	<b>To allocate additional revenues received to excess expenditures in FY05</b>			
4009-242000	Expenditure Control	56	\$ 20,000.00	
4009-172000	Revenue Control	57		\$ 20,000.00
4009-365000	Donations	58	\$ 20,000.00	
4009-0209-420110-900	Capital Outlay > \$5K	59		\$ 20,000.00
	<b>To amend budget to cover actual expenditures and revenues.</b>			









2976-0190-440174-398	Contracted Services	1		\$ 5,000.00
2976-242000	Expense Control	2	\$ 5,000.00	
2976-0190-331140	Immunizations	3	\$ 5,000.00	
2976-172000	Revenue Control	4		\$ 5,000.00
		5		
	Receiving additional funds for	6		
	Jan-2005 thru Dec-2005	7		
	(as per attached)	8		
		9		
		10		
		11		
		12		
		13		
		14		
		15		
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		30		
		31		
		32		
		33		
		34		
		35		
	Total		\$ 10,000.00	\$ 10,000.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

**COUNTY OF FLATHEAD**

**GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT - FY2006  
RESOLUTION # 1891-B**

VOUCHER  
NO.:

**0510-21**

DATE ISSUED:

DATE OF RECORD:

MCA 7-6-4006	ACCOUNTING COPY	<b>"B" Entry</b>		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2975-0190-440175-110	Salaries	1		\$ 5,022.43
2975-0190-440175-141	Unemployment	2		\$ 12.56
2975-0190-440175-142	Work-Comp	3		\$ 44.37
2975-0190-440175-143	Health Ins	4		\$ 826.29
2975-0190-440175-144	FICA	5		\$ 311.39
2975-0190-440175-145	PERS	6		\$ 341.53
2975-0190-440175-147	Medicare	7		\$ 72.83
2975-242000	Expense Control	8	\$ 6,631.40	
2975-172000	Revenue Control	9		\$ 6,631.40
2975-0190-331145	HIV Program	10	\$ 6,631.40	
		11		
		12		
	To allocate additional revenues	13		
	as per attached documents	14		
		15		
		16		

		17		
		18		
		19		
		20		
		21		
		22		
		23		
		24		
		25		
		26		
		27		
		28		
		29		
		30		
		31		
		32		
		33		
		34		
		35		
	Total		\$ 13,262.80	\$ 13,262.80

Explanation:

by: Gary L Como,  
Finance  
Approved by: Commissioners by Resolution

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CREATION OF GLACIER RANCH WATER & SEWER DISTRICT**

[11:05:13 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign.  
Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-13-2205, M.C.A., that it will hold a public hearing to consider the attached petition to create the Glacier Ranch County Water and/or Sewer District. The petition contains 1 signature of the only owner of property within the proposed district.

The boundaries of the proposed Green Tree Meadows County Water and/or Sewer District are set forth on Exhibit “A” to the Petition.

The public hearing will be held on the **1<sup>st</sup> day of November, 2005, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed creation of the Glacier Ranch County Water and/or Sewer District.

DATED this 13<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk  
By /s/Gary D. Hall  
Gary D. Hall, Chairman  
By /s/Kimberly Moser  
Deputy

Publish on October 18 and October 25, 2005.

Certificate of Dedication — Exhibit A

We, Shiloh Development, the Managing Member of: Glacier Horse Ranch, LLC the undersigned property owners do hereby certify that we have caused to be surveyed, subdivided and platted into lots as shown by the plat hereunto included, the following described tract of land, to-witt:

That portions of Sections 9, 10, 15 and 16, Township 29 North, Range 21 West, Flathead County, Montana described as follows:

Beginning at the SW corner of said Section 10;  
Thence North 00° 25’ 54” West 660.75 feet to the True Point of Beginning  
Thence North 00° 24’ 79” West 658.80 feet;  
Thence North 89° 59’ 30” East 936.69 feet;  
Thence North 89° 59’ 59” East 512.33 feet;  
Thence South 00° 04’ 08” East 480.42 feet;

Thence South 89° 57’ 04” West 87.74 feet;  
Thence South 32° 28’ 27” West 427.39 feet;  
Thence South 57° 41’ 13” East 457.27 feet;  
Thence South 89° 57’ 06” East 90.87 feet;  
Thence South 18° 22’ 11” West 249.28 feet  
Thence South 18° 06’ 27” West 856.73 feet  
Thence North 89° 56’ 15” West 509.96 feet  
Thence South 19°23’ 14” West 472.01 feet;  
Thence South 19° 22’ 11” West 63.62 feet;  
Thence North 89° 56’ 10” West 565.95 feet  
Thence South 89°47’ 21” West 1316.54 feet;  
Thence South 89° 47’ 00” West 1300.94 feet  
Thence North 00° 02’ 33” West 659.73 feet;  
Thence North 00° 03’ /3” West 659.78 feet  
Thence North 89° 48’ 01” East 1300.54 feet  
Thence North 00° 20’ 08” West 225.12 feet;  
Thence North 89° 48’ 24” East 503.33 feet;  
Thence North 01° 01’ 01” West 384.94 feet;  
Thence North 89° 47’ 33” East 570.84 feet;  
Thence North 89° 47’ 51” East 248.66 feet; to the True Point of Beginning containing 169.7 acres of land, more or less. Subject to all recorded easements of record.

The subject parcel may also be described as Tract 3A of Section 10, Township 29 North, Range 21 West; Tract 2AA & 2B of Section 16, Township 29 North, Range 21 West; Tract 2BD of Section 9, Township 29 North, Range 21 West; Tract 1A of Section I5, Township 29 North, Range 21 West, of Flathead County Montana.

The above described tract of land is to be known and designated as **Glacier**

**Ranch Subdivision**, Flathead County, Montana. I hereby certify that physical and

legal access to all lots within this subdivision is provided by US Highway 2 and

Trumble Creek Road per Section 76-3-608-(3)(d), MCA.

The lands included in the roadways, park, and common areas shown on said plat are hereby granted and donated to the lot owners forever. The roadways dedicated on this plat are private in all respects, however said roadways shall be open to public service use. The owners agree that the County has no obligation to maintain the roads hereby open to public service use.

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, cable, television, water or sewer service to the public, the right to the joint use of and easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area designated on this plat as “Utility Easement” to have and to hold forever.

Scott Farnam, Vice President

Shiloh Development, the Managing Member of:

Glacier Horse Ranch,

## **PRELIMINARY PLAT: YO BEAR ESTATES**

[11:17:40 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Robert Wunderlich, Paul Badgley

Sears-Tull reviewed the application submitted by Sylvia Ostroot for preliminary plat approval of Yo Bera Estates Subdivision, a major subdivision that will create 4 single-family residential lots. The subdivision is proposed on 14.50 acres and will be served by individual Water & Septic Systems. The subdivision is located off of Tamarack Lane north of Highway 2 in Columbia Falls, and is unzoned. There are 19 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-46 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the requested internal subdivision road length variance. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Yo Bear Estates Subdivision subject to 19 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **CONDITIONS**

1. The applicant shall obtain a variance to the road length limitation in Table 3 of Section 3.9 of the Flathead County Subdivision Regulations for the internal subdivision road. [Section 7.1, Flathead County Subdivision Regulations]
2. The private, internal subdivision road system shall consist of a 60-foot right-of-way, 20-foot paved travel surface, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
3. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses

and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]

4. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Tamarack Lane. [Section 3.9 (I)(8), FCSR]
5. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
6. The developer will dedicate a 15-foot bike/pedestrian easement on the Tamarack Lane frontage. [Section 3.18(A), FCSR]
7. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
8. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
10. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
11. The applicant shall comply with fire suppression and access requirements of the Columbia Falls Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
12. The following conditions shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
  - d. The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
  - e. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
  - f. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
    - i. Dogs must be kept under owner control at all times, either leashed or confined.
    - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
    - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
    - iv. Pets must be fed indoors or food dishes must be brought in at night.
    - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
13. The following statement shall be placed on the face of the final plat:

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision [County Resolution 503-M]
14. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
15. During construction of infrastructure improvements, no silt-laden water or excess shall flow to unnamed swamp/pond and or the small season creek areas. Erosion control measures are required and will be enforced. [Section 3.13, FCSR]
16. Alterations or fill to the swamp/pond and or the small creek should not be allowed. Any alterations or fill may require permits from the Army Corp. of Engineers, Conservation District and the Flathead County Planning & Zoning Office. [Agency Comment]
17. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
18. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]
19. The applicant shall maintain a 20 foot no build or alterations buffer around the swamp/pond and the small seasonal creek.

#### **FINAL PLAT: SALANSKY SUBDIVISION**

11:32:08 AM

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Mark Salansky

Sears-Tull reviewed the application submitted by Mark Salansky for final plat approval of Salansky Subdivision, which will create two residential lots. The subdivision is located off of Lower Valley Road, south of Kalispell. Preliminary plat approval was granted on April 19, 2005, subject to 14 conditions. All conditions have been met.



Commissioner Brenneman made a **motion** to approve the final plat of Salansky Subdivision. Commissioner **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**PRELIMINARY PLAT: SUBDIVISION NO. 251**

[11:36:19 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Erica Wirtala, Rhonda Lindner

Sears-Tull reviewed the application submitted by Rhonda L. Lindner and Hanggi Childrens Properties, LLC for preliminary plat approval of Subdivision #251, a major subdivision that will create four single-family residential lots. The subdivision is proposed on 9 acres and will be served by individual water & septic systems. The subdivision is located off of North Fork-Murr Creek Road off of Us Highway 2 West north of Marion, and is unzoned. There are 14 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-48 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Subdivision #251 subject to 14 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONDITIONS

1. The private, internal subdivision road system shall consist of a 60-foot right-of-way, 20-foot ~~hard~~ *paved* travel surface, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
2. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
3. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and North Fork-Murr Creek Road. [Section 3.9 (I)(8), FCSR]
4. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
6. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
8. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
9. The applicant shall comply with fire suppression and access requirements of the Marion Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
10. The following conditions shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
  - d. The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
  - e. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
  - f. Only Class A and Class B fire resistant roofing materials are allowed.
  - g. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
  - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
    - i. Dogs must be kept under owner control at all times, either leashed or confined.
    - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
    - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
    - iv. Pets must be fed indoors or food dishes must be brought in at night.
    - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
11. The following statement shall be placed on the face of the final plat:

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision [County Resolution 503-M]
12. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead

- County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
14. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]

#### **PRELIMINARY PLAT: RIVERVIEW OVERLOOK SUBDIVISION**

[11:46:19 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Traci Sears-Tull

Sears-Tull reviewed the application submitted by Sylvia Frame for preliminary plat approval of Riverview Overlook Subdivision, a major subdivision that will create sixteen residential lots. The subdivision is proposed on 14.79 acres and will be served by multi-user water & sewage systems. The proposed subdivision is located in a depression that was created by the previous gravel pit operation on the parcel. The property is located in Creston on Highway 35 directly across from Flathead River and JTL's gravel pit, and is zoned R-2 in the Lower Side Zoning District. There are 18 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-32b as findings of fact. Commissioner Hall **seconded** the motion. **Aye-** Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to add a condition requiring a fifteen foot bike path easement on Highway 35. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Riverview Overlook Subdivision subject to 19 amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### *CONDITIONS*

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations. (FCSR)]
2. The private, internal, subdivision road shall have a 60-foot right of way and a 20-foot paved driving surface. All road work shall be inspected and signed off by an engineer, licensed in the state of Montana, stating the road meets the standards of the Flathead County Subdivision Regulations. [Section 3.9 FCSR]
3. Maximum grade of approach to any intersection shall not exceed five percent for a distance of 60 feet as measured from edge of travel ways to provide for adequate starting, stopping and stacking distances. [Section 3.9 (I)(6)]
4. The developer shall place stop signs and road identification signs within the subdivision, in accordance with Section 3.9(I)8 of the Flathead County Subdivision Regulations. [Section 3.9 (I)8, FCSR]
5. The developer shall work with MDOT and change the center striping from a painted island to a two way left turning lane (TWLT). [Agency Comment]
6. A Common Road Maintenance Agreement shall be created that will require each property owner to bear their pro-rata share for road maintenance of the internal subdivision road. [Section 3.9 (J)3, FCSR]
7. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
8. Electrical and telephone utilities shall be extended underground, unless already in place, as necessary to abut and be available to each lot, in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 & 3.18 FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - b. All utilities shall be placed underground. [3.17(A), FCSR]
  - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
  - d. 

Waiver of Protest

Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

10. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for ~~individual~~ public sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]

11. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. (Section 3.22)
12. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
13. All lots shall be certified by a professional engineer or a licensed surveyor that they contain a buildable pad that does not exceed 25% in cross slope. Each building site pad which exceeds 25% in cross slope shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. Said report must find that development of this lot would pose no significant geological hazards to either this lot or neighboring properties and the applicant would be required to comply with the recommendations of said report. [Section 3.6.]
14. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that will need to be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
15. The 1.55 acres of open space/parkland along the river is a critical bank stabilization area. Removal of vegetation from the park should not be allowed. Any alteration to the park will need to go through Flathead County Floodplain Permit Process and the Flathead County Conservation 310 Permit Process. [Agency Comment]
16. A drawing with the striping changes must be submitted and approved by MDOT followed by the installation of the left turning lane. [Agency Comment]
17. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
18. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
19. **The developer shall dedicate a 15-foot bike/walk path easement along Montana Highway 35.**

**1:30 p.m. Commissioner Hall to attend TAC at the Kalispell Chamber of Commerce**  
**2:00 p.m. AOA Board meeting at the Kalispell Senior Center**  
**2:00 p.m. Commissioners Brenneman to be Leadership Montana Panelist**  
**2:30 p.m. Long Range Planning Task Force Water, Sewer & Stormwater Committee meeting at the Commissioners Meeting Room**  
**4:00 p.m. Long Range Planning Task Force meeting at the Earl Bennett Building**  
**7:30 p.m. Fair Board meeting at the Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 14<sup>th</sup>, 2005.

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## **FRIDAY, OCTOBER 14, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**9:00 a.m. Commissioner Brenneman to attend Protecting Montana Wetlands & Riparian Areas meeting at the Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 17<sup>th</sup>, 2005.